

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. _____

IN RE:)	
)	
APPLICATION OF MOBILITIE)	
MANAGEMENT, LLC FOR A)	
CERTIFICATE OF PUBLIC)	MOTION FOR PROTECTIVE TREATMENT
CONVENIENCE AND NECESSITY TO)	AND BASIS FOR FILING EXHIBIT B OF
PROVIDE FACILITIES BASED AND)	APPLICATION AS TRADE SECRET
RESOLD LOCAL EXCHANGE SERVICE)	
AND FOR FLEXIBLE REGULATION OF)	
ITS LOCAL EXCHANGE SERVICES)	

Mobilitie Management, LLC (“Petitioner”), pursuant to S.C. Code Ann. § 39-8-10, *et seq.*, S.C. Code Ann. Regs. 103-804(S)(2), and other applicable authority, hereby files this Motion for Protective Treatment (“Motion”) in the above-captioned proceeding. By this Motion, Petitioner seeks protective treatment by the South Carolina Public Service Commission (“Commission”) of certain commercially-sensitive financial information attached as **Exhibit B**, filed as Trade Secret to Petitioner’s Application for Certificate of Public Convenience and Necessity to Provide Facilities-Based and Resold Local Exchange Service and for Flexible Regulation of its Local Exchange Services (“Application”). Because this Motion is an inseparable part of Petitioner’s Application, it is being filed concurrently therewith.

In support of its Motion, Petitioner respectfully submits as follows:

1. The legal name, address, and telephone of the Petitioner are:

Mobilitie Management, LLC
2220 University Drive
Newport Beach, CA 92660
Telephone: (877) 999-7070

2. All correspondence, notices, inquiries, and other communications regarding this Motion should be addressed to:

Jack Pringle
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with a copy to

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I. Description of Confidential Information

The Application requires Petitioner to disclose evidence of its financial ability to provide service by submitting documentation of its financial resources. Pursuant to this requirement, Petitioner is submitting copies of its financial statements. These documents contain highly confidential and strictly proprietary information, the public disclosure of which would result in direct, immediate, and substantial harm to Petitioner competitive position in South Carolina, and in other states where Petitioner is currently doing or proposes to do business.

II. Grounds for Claim of Confidentiality

The financial information submitted by Petitioner in **Exhibit B** of its Application fits squarely within the definition of a “trade secret” under the South Carolina Trade Secrets Act.¹

As a privately-held company, Petitioner currently has no legal obligation to prepare or submit projected financial statements, or to report any financial information to a public entity. Further, the

¹ A “trade secret” is defined in as information that: “(i) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by the public . . . and (ii) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.” S.C. CODE ANN. § 39-8-20(5)(a).

unavailability of this information derives independent economic value for Petitioner because the disclosure of such information would jeopardize Petitioner's relationship with its investors, and harm Petitioner's ability to compete in the provision of advanced telecommunications services in South Carolina.

Petitioner is not a public corporation, and its financial and business information are uniquely sensitive. Petitioner takes considerable efforts to maintain the secrecy of the information contained in its financial statements. Financial information of this type is not publicly disseminated, and Petitioner takes reasonable steps to guard this information internally as well. Its disclosure is limited to Petitioner's senior officers, counsel, and employees who are directly involved with Petitioner's financial operations. Furthermore, when required to submit financial information to public authorities, all such information is clearly stamped "confidential," and is accompanied by formal requests to maintain the confidentiality of the information and to withhold it from public disclosure.

Petitioner clarifies that its request for protection applies only to the financial information contained in **Exhibit B** to the Application. Accordingly, Petitioner is not seeking protection of any type by means of this Motion for those reports Petitioner will be required to file with the Office of Regulatory Staff ("ORS") should the relief sought in the Application be granted (*e.g.*, the Annual Report Form, Gross Receipts Report, Universal Service Fund Worksheet, etc.).

III. Conclusion

The financial information included in support of Petitioner's Application, for which confidential treatment is requested, is both proprietary and competitively sensitive. Petitioner would suffer substantial direct harm if such information is made publicly available. The harm that would result from public disclosure of Petitioner's financial information is real and not speculative. Moreover, to date, no other jurisdiction has required Petitioner to make its financial information publicly available. For the foregoing reasons, the financial information included in **Exhibit B** should be protected from public disclosure by the Commission.

WHEREFORE, Petitioner respectfully requests that the South Carolina Public Service Commission grant this Motion for Protective Treatment with respect to the information contained in **Exhibit B** of Petitioner's Application for Certificate of Public Convenience and Necessity to Provide Facilities-Based and Resold Local Exchange Service and for Flexible Regulation of its Local Exchange Services and grant such other and further relief as is just and proper.

Respectfully submitted,

MOBILITIE MANAGEMENT, LLC

s/John J. Pringle, Jr.

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Counsel for Mobilitie Management, LLC

Dated: April 25, 2016